

### **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed February 25, 2008. Claims 14 is cancelled, claims 1, 23, and 26 are amended. Claims 1-13, and 14-26 are now pending in view of the above amendments.

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **Rejection Under 35 U.S.C. §102**

Examiner rejects claims 1-13, 15 and 18-26 under 35 U.S.C. § 102(a) as being anticipated by *Nosu* (United States Patent No. 4,244,045). Because *Nosu* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

Claim 1 is directed to an apparatus for multiplexing and/or demultiplexing optical signals. In multiplexing or demultiplexing optical signals, claim 1 recites an optoelectronic transducer. Claim 1 has been amended to clarify that the optoelectronic transducer is supported by a first side of a substrate and then a lens is formed in a second side of the substrate. The elements of claim 1, including a lens that is formed on a second side of the substrate, are not taught or suggested by the cited art.

For example, the arrangement of elements in claim 1 recites an optoelectronic transducer on a first side of a substrate and a lens formed in a second side of the substrate. In effect, the substrate is between the lens formed on the second side of the substrate and the optoelectronic transducer.

In contrast, the arrangement taught by *Nosu* has the lens in the middle. Figure 15 cited in the Office Action clearly illustrates that the lenses 41 . . 46 are between the prisms 81 . . 86 (identified by the Examiner as teaching a substrate on page 3 of the Office Action) and the sensors 80 .. 86. This arrangement of elements fails to teach or suggest the arrangement of elements in claim 1 as discussed above. Also, Applicant does not concede that a prism teaches a substrate. In any case, the *prima facie* requirements of anticipation, which require that a reference teach each and every element of a claim as the elements are arranged in the claim, have not been established.

In addition, amended claim 1 clarifies that the lens is formed on the second side of the substrate. *Nosu* teaches that the components (referring to the rod lenses 40-46, the substrate 60, and the fibers 51-56) are “mutually connected with optical contact and their refraction indices are approximately equal” and that “the reflection at the interface junction of the components is negligibly small.” See col. 6, lls. 55-63. The teaching of interface junctions between the components does not teach or suggest a lens that is “formed in a second side of the substrate” as recited in claim 1.

Claim 26 has also been amended to recite that the transducer emits directly into the substrate. *Nosu*, in contrast, teach that the light is first introduced to the rod lenses 41..46, not directly into the substrate.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the cited art. Claims 23 and 24 are also patentable for at least the

same reasons discussed herein. Claims 23 and 24 have generally similar elements as claim 1: claim 23 recites "a lens unique to the subassembly is formed in a second side of the substrate opposite the first side" and claim 24 recites "a lens unique to the subassembly formed on or in the substrate". These elements and the recited arrangement of elements of claims 23 and 24 are not taught or suggested by the cited art as discussed herein. The dependent claims rejected under § 102 are patentable for at least the same reasons.

### **Rejection Under 35 U.S.C. § 103**

The Examiner rejects claims 16-17 under 35 U.S.C. § 103 as being unpatentable over *Nosu* (U.S. Patent No. 4,244,045) in view of *Sasaki et al.* (U.S. Patent No. 5,960,141). Because claim 1 is patentable as described previously, claims 16-17 are patentable for at least the same reasons and Applicant requests that the rejection under § 103 be withdrawn.

### **Conclusion**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 30<sup>th</sup> day of April, 2008.

Respectfully submitted,

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